

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JUAN VACA,

4 Plaintiff,

5 v.

6 William Reubart, et al.,

7 Defendants.

Case No.: 3:23-cv-00185-RCJ-CLB

8
9 ORDER

10 (ECF No. 1)

11 On May 3, 2023, pro se plaintiff Juan Vaca, an inmate in the custody of the Nevada
12 Department of Corrections, applied to proceed *in forma pauperis*. (ECF No. 1.) Plaintiff
13 subsequently filed a complaint under 42 U.S.C. § 1983. (ECF No. 4.) Plaintiff's application
14 to proceed *in forma pauperis* is incomplete because **the financial certificate is not**
15 **complete, and Plaintiff did not include an inmate trust fund account statement for**
16 **the previous six-month period with the application.** Plaintiff included a daily
17 transaction summary with his application, but this is not the same thing as an inmate trust
18 fund account statement for the previous six-month period. The Court will deny Plaintiff's
19 application without prejudice and give Plaintiff the opportunity to correct these deficiencies
20 **by July 14, 2023.**

21 I. DISCUSSION

22 The United States District Court for the District of Nevada must collect filing fees
23 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights
24 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28
25 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply
26 to the court for leave to proceed *in forma pauperis.*" Nev. Loc. R. Prac. LSR 1-1. For an
27 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the
28 following documents to the Court: (1) a completed **Application to Proceed in Forma
Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly
signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is

1 page 4 of the Court's approved form, that is properly signed by both the inmate and a
2 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
3 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
4 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
5 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
6 See 28 U.S.C. § 1915(b).

7 As explained above, Plaintiff's application to proceed *in forma pauperis* is
8 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
9 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
10 fee or file a new fully complete application to proceed *in forma pauperis* with all three
11 required documents.

12 **II. CONCLUSION**

13 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
14 is denied without prejudice.

15 It is further ordered that Plaintiff has **until July 14, 2023**, to either pay the full \$402
16 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
17 required documents: (1) a completed application with the inmate's two signatures on page
18 3, (2) a completed financial certificate that is signed both by the inmate and the prison or
19 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
20 six-month period.

21 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
22 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
23 to refile the case with the Court, under a new case number, when Plaintiff can file a
24 complete application to proceed *in forma pauperis* or pay the required filing fee.

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The Clerk of the Court is directed to send Plaintiff Juan Vaca the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the complaint (ECF No. 4) but not file it at this time.

DATED THIS 12th day of May 2023.



UNITED STATES MAGISTRATE JUDGE